



U.S. Department
of Transportation

**Federal Aviation
Administration**

OCT 27 2005

CERTIFIED - RETURN RECEIPT REQUESTED

Hearing Docket
FAA, AGC-400, Room 2014
600 Independence Avenue, SW
Washington, DC 20591

Re: In the Matter of Joaquin Rodriguez
FAA Case No. 2005SO290003

Enclosed herewith please find a copy of a request for hearing and the original and one copy of the Complaint in the above-referenced proceeding.

The FAA requests that the hearing in this matter be held in the Orlando, Florida area, and expects that the hearing will last one day.

Please address all communications for the FAA to the undersigned, at:

Federal Aviation Administration
Office of the Regional Counsel, ASO-7
Southern Region
P.O. Box 20636
Atlanta, Georgia 30320
Telephone: (404) 305-5200, facsimile (404) 305-5223.

Sincerely,

GERALD A. ELLIS
Attorney
Office of the Regional Counsel

Enclosures

DEPT. OF TRANSPORTATION
RECEIVED

Southern Region
Office of the Regional Counsel
OCT 27 2005 PM 3:20

P.O. Box 20636
Atlanta, Georgia 30320

(404) 305-5200
(404) 305-5223 FAX

RECEIVED

NOV - 1 2005

HEARING DOCKET

CP05SO 0049 | FAA 2005-22885

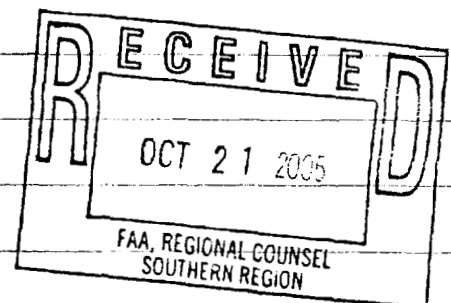
200550290003

DATED: 10-14-05

MR. GERALD A. ELLIS

I, JOAQUIN RODRIGUEZ, DID
SUBMIT A REQUEST FOR A HEARING TO THE
HEARING DOCKET IN WASHINGTON D.C. ON
THE PROPOSED CIVIL PENALTY THAT THE FAA
PROPOSED. THIS IS MY FIRST NOTICE AFTER
SEVEN MONTH OF THIS INCIDENT. I WILL HAVE
AN ATTORNEY PRESENT.

Joaquin Rodriguez
Joaquin Rodriguez



U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
FEDERAL AVIATION ADMINISTRATION

FEDERAL AVIATION ADMINISTRATION,
Complainant,

vs.

Joaquin Rodriguez

Respondent.

FAA Docket No.
Judge

RECEIVED

NOV - 1 2005

HEARING DOCKET

JUDGE NOT YET ASSIGNED

COMPLAINT

The Federal Aviation Administration (FAA), by counsel, hereby files its Complaint, pursuant to Rule 208 of the Rules of Practice (14 C.F.R. 13.208), and states as follows:

I.

On October 7, 2005, Respondent, Joaquin Rodriguez was advised through a Final Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$7,300. On ~, the Agency Attorney received a written request for a hearing from the Respondent.

II.

1. On or about March 4, 2005, you were a passenger aboard Southwest Airlines Flight Number 147 ("Flight 147") from Islip, New York, to Orlando, Florida.
2. While Flight 147 was in flight, you threw an item at a flight attendant.
3. While Flight 147 was in flight, your behavior required you to be reseated by flight attendants.
4. While Flight 147 was in flight, you threatened to do bodily harm to a flight attendant, when the plane landed.

III.

1. By reason of the foregoing facts and circumstances, Respondent violated the following sections of the Federal Aviation Regulations and Federal Statutes:

a. Section 121.580 of the Federal Aviation Regulations, in that no person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.

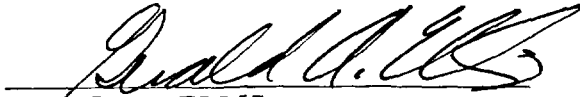
b. 49 U.S.C. Section 46318, which states that an individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than \$25,000.

2. Pursuant to 49 U.S.C. Sections 46301(a)-(d), Respondent is subject to a civil penalty not to exceed \$1,100 for each of the FAR violations alleged.

3. Under the facts and circumstances of this case, a civil penalty of \$7,300 is appropriate.

WHEREFORE, the Agency, by counsel respectfully requests that the Administrative Law Judge enter an order that Respondent be assessed a civil penalty in the amount of \$7,300.

Respectfully submitted this 27th day of October, 2005.



GERALD A. ELLIS

Attorney

Office of the Regional Counsel

PLEASE NOTE:

Pursuant to Title 14 CFR Section 13.209(a), you are required to file a written answer to this Complaint, or a written Motion to Dismiss if appropriate, not later than 30 days after the date shown on the Certificate of Service which follows.

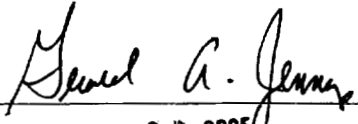
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint has been mailed this date by Certified Mail, Return Receipt Requested, to the following:

Hearing Docket
FAA, AGC-400, Room 2014
600 Independence Avenue, SW
Washington, DC 20591

(Original + 1 copy)

Joaquin Rodriguez
525 Boxwood Drive
N. Shirley, NY 11967


OCT 27 2005

Dated